

From: Robert A. Klahn
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

Greetings Department of Justice:

I am writing this short note to voice my comments on the proposed Microsoft Settlement. My views can be summed up in short as this: It does not go anywhere near far enough, and should be abandoned in favor of a stronger settlement which would result in the Operating System and Application Development portions of Microsoft being split into two different companies.

There are a few specific points of concern that I would like to address on top of this summary, in the likely event that you do not adopt my larger views on the Settlement expressed above.

* The section which reads ""Microsoft may restrict an OEM from displaying icons, shortcuts or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products. ...provided that any such non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware." would seem to provide Microsoft with sole determining power as to look and feel on the desktop of competing products, at least among those products in direct competition with Microsoft _Application_ products. Given Microsoft's past illegal behavior in regards to competing Hypertext browsers, I am leery to extend such an anti-competitive power to the company that controls the look and feel of the _Operating System_.

* There is a section which would appear to permits the removal of Microsoft Middleware software, but permits the retention of such software on the computer in question as long as: "1. that Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing), or 2. that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g. a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them." As a computer security professional, I find the implications of this stunning, in that, the Settlement permits Microsoft to hide the non-removal of software components to the end user. How is any system to be determined to be secure if the possibility of determining the software installed on said system is not possible? In this age of virus, worms, etc. in the Internet world, this is becoming a more and more important topic.

I could go on, but these are, to me, the major points. In short, I urge you to abandon this Settlement, and retry for something stronger. Former Attorney General Robert Kennedy once said "Too much power scares me, whether we find it in a trade union or in a corporation." This should be the guiding principle of this or any other anti-trust Settlement, and I am afraid that I must conclude that this Settlement leaves too much power in the hands of the Microsoft Corporation.

Thank you for your kind attention.

--

Robert A. Klahn

rklahn@acm.org

AIM: rklahn

Yahoo Messenger: klahn

IRC: rklahn@irc.openprojects.net

"Hope has two beautiful daughters: Anger and Courage. Anger at the way things are, and Courage to struggle to create things as they should be." - St. Augustine